

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KELLY FULTON,

Plaintiff,

v.

LVNV FUNDING, LLC

Defendant.

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CASE NO. 2:20-cv-1454

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that on this date, Defendant LVNV Funding, LLC hereby removes the above-captioned matter to this Court from the Court of Common Pleas of Allegheny County, Pennsylvania and in support thereof avers as follows:

1. LVNV is a defendant in a civil action originally commenced on or about May 26, 2020 in the Court of Common Pleas of Allegheny County, Pennsylvania by Praecipe for Writ of Summons, titled *Kelly Fulton v. LVNV Funding, LLC* and docketed to Case No. GD-20-006096.
2. Plaintiff filed her Complaint on August 12, 2020.
3. The removal is timely under 28 U.S.C. § 1446(b). LVNV received service of Plaintiff's Complaint by certified mail on August 28, 2020.
4. Pursuant to 28 U.S.C. § 1446, attached here as Exhibit A are copies of all process, pleadings, and orders filed in the state court action.

5. The District Court¹ has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, in that Plaintiff has filed claims against LVNV alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*

6. On this date, LVNV has provided notice of this Removal to counsel for Plaintiff and to the Court of Common Pleas of Allegheny County, Pennsylvania.

WHEREFORE, Defendant LVNV Funding, LLC respectfully removes this case to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

MESSER STRICKLER, LTD.

By: /s/ Lauren M. Burnette
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Counsel for Defendant

Dated: September 28, 2020

¹ Although Plaintiff filed this lawsuit in Allegheny County, thus requiring LVNV to remove the case to this Court, the face of Plaintiff's Complaint demonstrates that Plaintiff's claims arose from conduct occurring in York County, which lies within the jurisdiction of the United States District Court for the Middle District of Pennsylvania.

CERTIFICATE OF SERVICE

I certify that on September 28, 2020, a true copy of the foregoing document was served as follows:

Via Email and U.S. Mail, Postage Prepaid

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Counsel for Plaintiff

Via Electronic Filing

Court of Common Pleas
Allegheny County
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Pittsburgh, PA 15219

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